1953

File No. Lg. Asst. Hill Tribes/53 Pt II

Legal Department

BRANCH

Subject:— Correspondence relating to grant of legal Assistance to the members of the aboriginal and Hill Tribes

(For previous pps. pl. see pt I)

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File No. Lg. Asst Hill Tribes/53 Pt II

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E.D.
5-7-56
C.5

Immediate.

No. MBC 2552/52255-J,
Education Department,
Bombay Castle, 14 November 1952.
17th

To.
The Secretary to the Government of Bombay,
Legal Department.

Subject:- Welfare of the Scheduled Tribes and Scheduled Areas.
Schemes for the -
Utilization of grant from the Government of India under Article 275 of the Constitution for the ---

Copies of Government Letter, Education Department, No, MBC.2552-J, dated the 13th March 1952 and 27th March Tribes and Scheduled 1952 under which schemes for the welfare of the ScheduledTribes and Scheduled Areas on account of which this Government had claimed grant from the Government of India under Article 275 of the Constitution are enclosed. A copy of the Government of India letter, Ministry of Home Affairs, No.74/42/51-Public, dated the 17th July 1952 sanctioning grants on account of these schemes isralso enclosed.

2. The Legal Department is concerned with the Following scheme sent to the Government of India:-

Grant of Legal Assistants to members of Scheduled Tribes.

Explanatory statement sent to the Government of Indian in respect of this scheme will follow.

3. You are now requested to issue immediate orders, if this has not been done already, asking the Heads of Departments concerned to implement both the schemes- those for which provision has been made and those for which provision has not been made in the current year's budget. They may be asked to implement the schemes in right earnest so that maximum grant sanctioned by the Government of India will be fulled utilised during the current year.

4. You are further requested to take necessary steps to ensure that provision for schemes with which yohr department is concerned is, wherever necessary made in the budget for 1953-54. The amounts provided in the next year's budget, together with an explanatory memorandum for these schemes should be sent to this Department at an early date to enable this Department to claim grant from the Government of India for 1953-54.

5. Government attaches grant importance to the success of these Schemes. You are therefore requested to give priority to these schemes, issue immediate orders wherever necessary for their implementation and see that they are implemented satisfactorily.

Sd/-
(A.L.Pias)
for Secretary to the Government of Bombay,
Education Department.

Sd/-
15-11
Sd/-
17.11.52

M.R.D.
27-7-56
C.4

No. MEC.2552-J,
Education Department
Bombay Castle, 13th March 1952.

From
The Secretary to the Government of Bombay,
Education Department.

To,
The Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.

Subject:- Art 275 of the Constitution.
Grant-in-aid to State Governments
Under the ---

Sir,

I am directed to refer to the Government of India letter, Ministry of Home Affairs No.74/42/51-Public, dated the 17th November 1951 and subsequent reminder of even number dated the 19th February 1952, on the subject mentioned above, and to sent herewith a list of schemes on account of which this Government is eligible to receive a substantial grant-in-aid under the first proviso to clause(1)of Art 275 of the Constitution. A brief description of the schemes in the prescribed from is given in the accompaniment to the letter.

2. The sub-joined statement indicates the measures for the amelioration of Scheduled Tribes and the Cost which this Government will have to incur on their account.

A- Schemes form which provision has been made in the next years' budget:-

Other Schemes.

	Provision Rs.
(a) Sepcial officers for the uplift of scheduled Tribes in Dahanu Kalyan Prants of the Thana District.	1,500
(b) Sepcial Staff for Bhil uplift work in West Khandesh District.	12,000
(c) Grant of Legal assistance to members of Scheduled Tribes.	2,000
	15,500

3. The Government of India has already sanctioned a grant of Rs.1 lakh on the expenditure of Rs,3,24,100/- on account of the special schoolser started for Katkaris in the Thana District(vide Government of India letter No.74/25/51-Public, dated the 2nd February 1952). The Government of India has observed in that letter that this scheme will qualifky for grant-in-aid in 1952-53. Similarily Government of India has also agreed in that letter that for starting similar schools in the panchmajals District, asimilar granti-in-aid will be paid The 55 new schools which are proposed to be opened in the Dahanu and Ubkhada Talukas ofx the Thana District are in extension of the scheme already approved by the Government of India. This Government ,therefore trusts that substantial grant-in-adi will be paid in 1952-53 on account of the scheme. With regard to grant for the Adivasigirls at Palghar and the starting of a Katkari Labour Organisation the Government of India had suggested in its letter No.74/25-51- Public, dated the 9th February 1952 that these schemes should be included in the list of schemes for 1952-53. They have accordingly been included in this list. The other measures in paragraph 2 above are almost solely meant for the uplift of the Scheduled Tribes and/or the Scheduled areas and as such a-

eligible for grant under Art 275. It will be seen in paragraph 3 above that a provision of Rs.7,60,580Ø- has made in the next year's budget, for some of these schemes, that an expenditure of Rs.20,345/- has alarady incurred on one scheme and that a provison of Rs,1,82,638/- is proposed to be made on the remaining schemes.

4. This Goverament desire to point out that the schemes for the development of the Scheduled Tribes were being financed till this year practically wholly from the special Development Fund which was set up in the year 1938-39. This Fund has now been practically exhausted and in the ordinary course on account of the present financial stringency it would have become necessary to drop those schemes from the budget of 1952-53. This Government, however, has having regard to the great urgency of continuing these measures ment for the uplift of these backward classes and in anticipation of substantial grants-in-aid from the Central Government towards the provison of such facilities, have included the schemes in the budget. In the absence of such assistance this Government w ll be constrained to reduce the amenities at present provided for the Scheduled Tribes and/or the Scheduld Areas and in some cases to retrench the facilities altogether. This Government, therefore, hopes that the Central Government will duly appreciate the difficulties of the State and will generously sanction an adequate grant to enable us to continue and to expand our activities in this direction.

5. A review of the expenditure which is being incurred for the advancement of the Scheduled Tribes and/or Scheduled Areas is being carried out and a list of the further measures undertaken by this Government in various Departments for the purposes will be sent to you shortly.

6. The delay in sending this reply is regretted.

Yours faithfully,

V.N. Sardesai,
Secretary to the Government of Bombay,
Education Department.

copy forwarded for information to :-

2. The Secretariat Departments and the officers are requested additional schemes, if any, which are being implemented by them for the advancement of the Scheduled Tribes and/or the Scheduled Areas with the least possible delay.

M.R.D.
27-7-56
C.4

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS.

EXPRESS LETTER.

From - Home, New Delhi.

The Secretary to the Govt, of Bombaym,
Education Department, Bombay.

No.74/42/51-Public. New Delhi 2, the 17th July 1952.

Subject:- Article 275 of the Constitution- Grants-in-aid for development schemes during the financial year 1952-53.

Reference correspondence resting with your letter(s) No.* _____ dated * _____ on the subject mentioned above

*as per list attached.

2. After consideration of the schems forwarded by the StateGovernments it has been decided to allot the following ceilings for the year 1952-53.

Part A States.

Assam.	....	Rs,37 lakhs (Rs.10 lakhs for the Plain Tribal areas and Rs.27 lakhs for Autonomous Hill Districts).
Bihar	....	Rs. 18 lakhs.
Bombay	....	Rs. 7.5 lakhs
Madras.	....	Rs. 7.5. lakhs.
Madhya Predesh..		Rs.17 lakhs
Orissa.	....	Rs. 22 lakhsx
Punjab.	...	Rs. 4,73 lakhs.

A statement showing the various schemes and the amount of grant in respect of each scheme is enclosed. The distribution indicated, however, is not rigid and the Government of India would be prepared to vary the amounts, if necessary. The State Government may proceed with the implementation of the schemes on the basis of the ceilings mentioned in para 1 above.

3. It has however, been decided that assistance by the Centre should not be given in a lump sum but that only 25% of the grant should be paid initially. The balance will be paid towards the end of the year on the basis of the ceilings mentioned in para-1 above. actual expenditure only after the following conditions are satisfied-

P.T.O.

(a) The State Government concerned have furnished such further details to the appropriate Ministry as may be required by the latter in respect of the scheme/schemes with which they are concerned (with copies to the Ministry of Home Affairs).

(b) They submit progress reports of the schemes to the Ministry concerned (with copies to the Ministry of Home Affairs) at such intervals as may be prescribed by the former.

4. It is requested that the schemes may be included in the five Year Plan submitted to the Planning Commission, if it has not already been done; also if any of the schemes is included in Community Development projects separate accounts should be maintained.

( )For Assam Only,

(The Assam Government are also requested to provide funds for the control of shifting cultiviation in one of their schemes. The Assam Govt, would be required to credit an amount equivalent to 25% of the ceiling for road works which are to be carried out through the Central Road Fund. On this point a separate communication will be addressed).

From the particulars forwarded by the State Governments it is not clear if they themselves have spent any amount on these schemes. However, in order to avoid inconvenience to the State Governments the distribution of the current year's grants has not been held up on this the current ground. At the same time, it is essential that the state Governments should furnish figures showing to what extent the cost of the schemes for which grants have been made by the centre were met by the State Governments from their own resources as during the year 1951-52. Similar figures are also necessary with regard to the proposals for the year 1952-53. It is requested that this information should be furnished at a very early date. Attention is invited in this connection to para 2 of this Ministry's Letter No. 74/7/50-Public dated the 15th May 1951.

(FATEH SINGH)
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

"SURAJ"
15/7/52.

No.74/82/51-Public. New Delhi-2, the 17th July, 1952.

Copy with enclosures, forwarded for infromation to the Ministry of Education/Food and Agriculture/Commerce and Industry/Health/Transport/ Labour/States/*Finance (Department of Economic Affairs)* (With 29 sapre copies for communication to A.G.C.R., and A.Gs. of the State concerned, who are requested to arrange for the payment of 25% of the ceiling proscribed above to the State Governments concerned).

2. The Ministry of Education /etc. are requested to:-

(a) Write to the State Governments (with copies to the the HomeMinistry) asking for such further details as it considers necessary, and to inform State Governments of the proforma or a list of points on which they require details of future schemes;

(b) Arrange to obtain quarterly progress returns of the schemes, the first return being for the period ending 30th September 1952; and

(c) Arrange for the inspection of the schemes by their officers, if considered necessary.

3. It is also requested that after the scheme/schemes have been scrutinized, this Ministry may be informed whether the balance of the grant may be paid.

By orders,

(A.V. RAMAN)
UNDER SECRETARY TO THE GOVT. OF INDIA.

M.R.D.
27-7-56
C.4

SCHEMES FOR THE DEVELOPMENT OF SCHEDULED AREAS AND WELFARE OF THE SCHEDULED TRIBES IN THE STATE OF BOMBAY FOR THE YEAR

Name of Schemes.	Ceiling fixed for the year 1952-53.	Remarks
1	2	3
OTHER SCHEMES.		
(i) Special officers for the uplift of Scheduled tribes in Dahanu & Kalyan Prants of the Thana District.	778	
(ii) Special staff for Bhil uplift work in West Khandesh District	6,130	
(iii) Grant of Legal assistance to members of Scheduled Tribes.	1,060	
(iv) Grant of special concessions to voluntary agencies working for the uplift of Backward classes for extending their activities to Scheduled Areas in the Merged State areas.	28,000	
(v) Starting of a Katkari Labour Organisation.	10,440	
Total	46,408	
Grant Total	4,50,000	

D.
27-7-56
C.4

S.A.S.

(I have discussed these cases with the Assistant Secy. E.D.).

With its letter No.M.B.C.-2552 dated 13th March 52, addressed to the Govt. of India, Ministry of Home Affairs, the E.D. sent a list of schemes on account of which this Govt.is eligible to receive a substantial grant-in-aid. The Govt, of India was informed that the Schemes in respect of which budget prvision has been made for the year 1952-53 includes inter alias the schemes for grant of legal assist-tance to members of the Scheduled Tribes for which provision of Rs.2000/- has been made. In its subsequent letter dated 27-8-52, the E.D. informed the Govt. of India abouvt the additional measures which the Govt. of Bombay undertook in the year 1952-53 for the advancement of the Scheduled Tribes and/or the Scheduled Areas, and urged that a grant at least at 50p.c. rate should be paid to this Govt. on the expenditure which this Govt. proposed to incur on the advancement of the Scheduled Tribes and Scheduled areas during the course of the next financial year. After considering the various schemes forwarded by the State Govts. the Govt,of India (Ministry of Home Affairs) decided to allot the to the Bom.Govt. the amount mentioned in their letter dated 17.7.1952 for the year 1952-53. The various schemes and the amount of grant allotted in respect of each schemes are indicated in the Statement accompanying the said letter from the Govt. of India. This Statement included a grant of Rs.1060/- on account of legal assistance to the members of Scheduled Tribes.

In para 3 of its letter No.2552/52255 dated 17.11. 52, the E.D. requests this Deptt. to issue a immediate orders asking the Heads of Deptts. concerned to implement both the Schemes- those for which provision has been made and those for which

provision has not been made in the current year's budget, and to implement the scheme in right earnest so that the maximum grant sanctioned by the Govt. of India may be fully utilised the during the current year. It further states that necessary steps to ensure that provision for the scheme is made in the budget for 1953-54 should be taken and requests that the amounts provided in the next year's budget together with an explanatory memorandum for the scheme should be furnished to that Deptt. so as to enable it to claim grant from the Govt. of India for the year 1953-54.

Under G.R., L.D. No.3640 dated 24.4.41, the Scheme of granting legal assitance to the members of the Aboriginal and Hill Tribes is extended to twelve districts within the State of Bombay and a provision of Rs.2000/- has been made for such scheme during the current year. As desired by the E.D., the Collrs. of twelve districts in which the Legal Aid Scheme is in force, may be requested to implement the scheme in right earnest in all deserving cases where such assistance is necessary so that the amount in the current year's budget and the grant given by the Govt. of India may be fully utilised during the current year. They may also be requested to submit to this Deptt., the progressive report of the Scheme indicating the number and nature of cases in which legal assist-tance was given under the scheme and the amount utilised for such measure in each district.

As regards para 4 of the E.D. letter, it may be informed that a provision of Rs. 2000/- has been made for such scheme in the next years's budget also.

M.RD.
27-7-56
C.4

Sd/- 3-12

Secys.

Sd/- 3-12

No. 20563/C
Legal Department,
Bombay Castle(Bombay No.1) 8th December 1952.

Subject:- Welfare of the Scheduled Tribes and Scheduled Areas
Schemes for the -
Utilization of grant from the Governments of the India under Article 275 of the Constitution for the -

Memorandum.

The undersigned presents compliments to the Secretary to the Government of Bombay, Education Department and with reference to that Department letter No. MBC 2552/52255-J, dated the 17th November 1952, on the above subject, is directed to state that this Department above subject, is directed to state that this Department has only one scheme of grant of legal aid to Abbriginal and Hill Tribes in existance for which a provision of Rs,2,000/- has, as usual, been made in the budget for the year 1953-54.

The Collectors of the Districts concerned to which the said scheme is extended have been instructed to implement the scheme in right earnest.

By order of the Governor of Bom
Bombay,
for Secretary to Government.

Sd/-

To.
The Secretary to the Government of Bombay,
Education Department.

Sd/-
8-12

M.R.D.
27-7-56
C.4

No. 20563/C
Legal Department,
Bombay Castle(Bombay No.10 8th December 1952.

Subject:- Welfare of the Scheduled Tribes and Scheduled Areas
Schemes for the -
Utilization of grant from the Governmentx of the India under Article 275 of the Constitution for the -

Memorandum.

The undersigned presents compliments to the Secretary to the Government of Bombay, Education Department and with referenme to that Department letter No. MBC 2552/52255-J. dated the 17th November 1952, on the above subject, is directed to state that this Department above subject, is directed to state that this Department has only one scheme of grant of legal aid to Abbriginal and Hill Tribes in existance for which a provision of Rs,2,000/- has, as usual, been made in the budget for the year 1953-54.

The Collectors of the Districts concerned to which the said scheme is extended have been instructed to implement the scheme in right earnest.

By order of the Governor of Bom
Bombay,
for Secretary to Government.

Sd/-

To.
The Secretary to the Government of Bombay
Education Department.

M.R.D.
27-7-56
C.4

Sd/-
8-12

No. 20562/C
Legal Department,
Bombay Castle(Bombay No.1) 8th December 1952.

To

The Collector of East Khandesh
West Khandesh
Nasik
Broach
Panch Mahals
Thana
Dhanga
Surat
Baroda
Sabarkantha
Banaskantha.
Kolaba

Subject:- Legal Assistance.
Grant of .....to the members of the Aboriginal and Hill Tribes.

Sir,-

I am directed to invite your attention to Government Resolution, Legal Department No.9197, dated the 2nd June 1952 and to request you to be so good as to implement the scheme in right earnest in all deserving cases where legal aid to the members of the Aboriginal and Hill Tribes is necessary so that the amount provides during the current year may be fully utilised during the current year.

2. I am further to request you to be so good as to submit to this Department, the progressive report of the schemes indicating the number and nature of cases in which lgal aid was given under the said scheme and the amount utilised for such measure in your district. It is requested that the report should be forwarded to Government on or before 25th instant.

Yours faithfylly,
Sd/-

Assistant Secretary to Government.

M.R.D.
27/7/56
C.1

No.MBC. 2552/52225-J,
Education Department,
Bombay Castle, 4th December 1952.

To.

The Secretary to the Government of Bombay,
Legal Department.

Subject:- Welfare of the Scheduled Tribes and Scheduled Areas.
Schemes for the-
Utilization of grant from the Government of India under Article 275 of the Constitution for the -

Reference this Department letter No.MBC 2552/52255-J, dated the 14th/17th November 1952, on the subject mentioned above.

2. Explanatory statements in respect of the schmes sent to the Government of India for grant are enclosed.

Sd/-
Y.D. Jasel.
Assistant Secretary to the Government of Bombay
Education Department.
Sd/- 5-12

M.R.D.
27-7-56
C.4

1. Department:	Legal Department
2. Heading of the Scheme:-	Grant of Legal Assistance to member of the Aboriginal and Hill Tribes.
3. Brief description of of Scheme:	Persons belonging to the Aboriginal and Hill Tribes living in certain districts are entitled to get legal assistance in certain circumstances in (1)Civil Proceedings under the Mamlatdars Courts Act, (2) proceedings under the Mamlatdars Courts Act, 1906 and (3) criminal Proceedings which are disguised civil proceedings or are intended to intimidate them.
4. Under which item of Priority the schemem falls.	Other Schemes.
5. Area selected for application.	East Khandesh, West Khandesh, Nasik, Broach, Panchmahals, Thana, Kolaba, Dangs, Surat, Baroda and Sabarkantha Districts.
6. Rough estimate of the cost- (a) Amount budgetted by the state Government during the preceeding two years.	1949-50 (Rs. 1000/-) 1950-51 (Rs.2000/-)
(b) Amount spent by the Government during the preceeding two years.	1949-50 (Rs. 453/-) 1950-51 (Rs. 970/-)
(c) Grant-in-aid received during the two preceding yearsm	Nil.
(d) Amount budgetted durihg the current year.	Rs. 2,000/-
(e) Grnats, if any, sanctioned during the currenat year.	Rs. 461/-
(f) Amount budgetted or proposed for the next financial year.	Rs. 2,000/-
(g) Grant required for the next financial year.	Rs. 2,000/-
Number and date of important orders in respect of the schemes (copies of such orders should invariably be appended).	Government Resolution, Legal Department Nos. 3640, dt./24-4-41 3149, dt./11-4-42, 2956, d/214-43, 8880, dt./16-12-44, 2397, d/29-3-46 826, dt./23-1-47, 10144d/29-10-48 11063, dt./4-10-49, 12693, d/318-50 and 5516, dt/-24.4.51

P.T.C.

8. Any other remarks of information.	In 1948 there was a proposal from the Backward Calss officer to extend the scheme to the criminal proceedings non-cognizable cases in six districts. The cost then estimated for this purpose was Rs.49,600/-but the proposal was dropped on account of financial stingency.

I.R.D.
27-7-56
C.4

(Below copies of Government of India, Ministry of Homem Affairs, letter No.74/90/52-Public, dated the 11th December 1952 and of their telegram dated the 6th October1952).

IMMEDIATE.

No.MBC. 2552/62787-J,
Education Department,
Bombay Castle, 17th December 1952.

Forwarded to --

The Director of Backward Class Welfare,
the Director of Education,
the Directorof Technical Education,
The Registrar of Co-operative Societies,
the Director of Agriculture,
the Surgeon General with the Government of Bombay,
the Director of Public Health.
the Legal Department

for favour of immediate remarks

2. The officers and Departments concerned are requested to forward their reports direct to the Director of Backward Class Welfare who will then and furnish complete information to Government as to the total expenditure likely to be incurred during the current year on development schemes for which the Government of India has sanctioned grant under Articles 275 this year.

By order of the Governor of Bombay.
Sd/-
Y.D.Jaeel.
Assistant Secretary to the Government of Bombay, Education Department,

Copy with copies of accompaniments forwarded to
the Development Department,
the Agriculture and Forest s Department,
the Local Self Government &Public Health Department,

for information and necessary action.

M.R.D.
27-7-56
C.4

No.74/90/52-Public,
Government of India,
Ministry of Home Affairs.

From

Shri A.V. Raman M.A.,
Under Secretary to the Government of India.

To.

The Secretary to the Government of Bombay,
Education Department.

New Delhi(2);the 11th December 1952.

Subject:- Article 275 of the Constitution-grants-in-aid for development schemes under the -

--------00000----------

Sir,

With reference to your letter No.MBC,2552/52748-J, dated the 11th November, 1952, on the above,subject, I am directed to forward a copy of this Ministry's telgram No.74/90/52. Public, dated the 6th October 1952.

2. The Government of India desire information as to the total expenditure likely to be incurred during the current financial year on development schemes out of the grant given to the State Government this year.

Yours faithfully,

Sd/- A.V. Raman).
Under Secretary to the Government of India.

Coxpy of telegram No.74/90/52- Public dated the 6th October 1952 from the Ministry of Home Affairs to Tribal, Shillong etc.

Reference this Ministry Express letter No. 74/42Ø51-Public dated July 17th grants in aid for development schemes under Article 275( ) Please telegraph progress so far made and further sums that would be required during the current year ( )

M.R.D.
27-7-56
C.4

IMMEDIATE.

No.22002/C
Legal Department
Bombay Castle(BombayNo.1) 29th December 1952.

TO

The Collector of East Khandesh
West Khandesh
Nasik
Broach
Panch Mahals
Thana
Dangs
Surat
Baroda
Sabarkantha
Banaskantha
Colaba

Subject:- Legal Assistance.
Grant of to the members of the Aboriginal and Hill Tribes.

Sir,

In continuation of this Department letter No.20562/C dated the 8th December 1952. I am directed to request that you will be so good as to forward the information giving full dtails direct to the Director of Backward Class Welfare regarding the total expenditure likely to be incurred during the current financial year for implementing the above scheme in your Direcetor District under intimation to this Deartment.

2. I am also to request you to expedite the transmission of information called for in this Department letter No.20562/C dated the 8th December 1952.

An early action is solicited.

Yours faithfully,
Sd/-
Assistant Secretary to Government.

M.R.D.
27-7-56
C.4

Copy to-

The Director of Backward Class Welfare, with reference to the the endorsement No.M.B.C.2552/62787/J dated the 17th December 1952 from the Education Departmen t

Sd/-
27-12

M.R.D.

No.1578/c
Legal Department,
Bombay Castle(Bombay No.1),23rd January 1953.

To
The Secretary to the Government of Bombay,
Education Department.

Subject:- Welfare of the Scheduled Tribes and scheduled Areas
Schemas for the-
Utiligation of grant from the Government of India under Article 275 of the Constitution for the---

Sir,

With reference to your D.O. letter No.WEC 2552/3260-J dated the 21st January 1953 addressed to the Secretary to Government, Legal Department, I am directed to state that the Collectors concerned report that as no legal assistance was sought by the members of the Aboriginal and Hill Tribes no such assistance was given to them. The Collectors do not appear to have seriously taken steps to implement the schems in desserving cases, and no progressive reprt for 1952-53 is submitted by them. However in view of the fact that as the Collectors have since been instructed to implement the schems in right earnest, and some Collectors have indicated the approximate amount necessary for the scheme, approximately an expenditure of Rs. 1200/- is likely to be incurred during the current financial year.

Yours faithfully.

Sd/-

Assistant Secretary to Government.

M.R.D.
27-7-56
C.4

Article 275 of the Constitution.
Payment of grant to the State
Government during 1952-53 under
the -Crediting the -

GOVERNMENT OF BOMBAY,
Education Department,
Redulution No.MBMC.2552,
Bombay Castle, 17th February 1953.

Government Letter, Education Department. No.MBMC.2552-J, dated the 13th March 1952.

Government Letter, Education Department, No.MBMC,2552-J, dated the 27th March 1952.

Government Letter,Education Department. NO.MBMC.2552-J, dated the 26th August 1952.

Letter from the Government of India, Ministry of Home Affairs, No.74/42/51-Public, dated the 17th July 1952.

Letter from the Government of India, Ministry of Finance, No.F.2(1)-P/52,dated the 18th August 1952.

Letter from the Accountant General, Bombay No.TM/3677, dated the 24th December 1952.

Letter from the Government of India, Ministry of Home Affairs No.74/33/52-Public, dated the 2nd January 1953.

Memorandum from the Accountant General, Bombay No.TM/ 22/4131,dated the 29th January 1953.

Resolution:- The Government of India, in the Ministry of Home Affairs have sanctioned a grant of Rs,8½ lakhs during the current financial year under Article 275 of the Constitution on account of the schemes for the welfare of the Scheduled Tribes and/or the Scheduled areas. Vide Government of India letter Ministry of Home Affairs, No.74/42/51-Public, dated the 17th July 1952 and No.74/33/52-Public, dated 2nd January 1953. The question of crediting the Government of India grant to the state revenues was under consideration. Government has considered the question and is now pleased to direct that the Government of India grant should be credited to the head "XLIX- Grant-in-aid from the Government of India" except that the grant xxxin respect of the expenditure on schemes in the Dangs District should be credited underx the head "XXV-A Dangs District."The Accountant General, Bombay, should be requested to take immediate steps to credit the Government of India grant to the head indicated above.

By order and in the name of the
Governor of Bombay,
Sd/-
P.T.O.

Sd/-
A.S. NAIK.

for Deputy Secretary to Government.

To Ta
The Director of Education,
The Director of Backward Class Welfare,
The Director of Technical Education,
The Director of Agriculture,
The Registrar of Cooperative Societies,
The Surgeon General with the Government of Bombay,
The Director of Public Health,
The Accountant General, Bombay(Through the Finance Department),
All Collector,
The Finance Department,
The Development Department,
The Agriculutre and Fbrests Department,
The Local Self Government and Public Health Department,
The Legal Department,
*The Secretary to the Government of India, Ministry of Home Affairs,
*The Secretary to the Government of India,Ministry of Finance,

*By letter,

M.R.D.
28-7-56
C.4

No.3704/e

Legal Department,
Bombay Castle (Bombay No.1) 25th February 1953.

To

The Collector of East Khandesh
West Khandesh
Nasik
Broach
Panch Mahals
Thana
Dangs
Surt
Baroda
Sabarkantha
Banaskantha
Kolaba

Subject:- Legal Assistance Grant of to the members of the Aboriginal and Hill Tribes.

Sir,

I am directed to forward herewith a copy of Government Resolution, Legal Department No.3640 dated 24th April 1941 containing the Rules relating to grant of legal assistance to the members of the Aboriginal and Hill Tribes and to state that a budget provision of Rs.2000/- has been made for the current year and a similar provision has been made for the next financial year also. The scheme which has been extended to your District has assumed great importance under the Five Year Plan and even the Government of India has agreed to contribute Rs.1000/- under Article 275 of the Constitution towards working of this scheme. Under these circumstances I am to request you to be so good toimplement this scheme in right earnest in all deserving cases in your District and to bring the facilities to the notice of the class of persons affected by the scheme.

2. I am further to request you to forward your quarterly progressive report to the Director of Backward Class Welfare, Poona, under intimation to this Department stating the amount utilised for such measure in your District.

P.T.O.

Legal Assistance.
Grant- of -to members of the Aboriginal and Hill Tribes.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 3640,
Bombay Castle, 24th April 1941.

RESOLUTION OF GOVERNMENT.

In paragraph 219 (2) of his report, the Special Enquiry Officer appointed to report on measures for improvement of the conditions of Bills and other Aboriginal and Hill Tribes in partially excluded areas recommended that a member of such tribes "should be able to obtain free advice and representation from the Government Pleader or other pleader appointed for the purpose not only when proceedings threatended against him but also when he considers that he himself has been defrauded" and that "thecost of such consultations and presentations should be borne by the State." A scheme has now been worked out for granting legal assistance to such persons and it has been decided to introduce it experimentally during this year in two districts, west Khandesh in the Central Division and Broach and Panch Mahals in the Northern Division. Government is therefore pleased to direct that the scheme should be introduced in these two districts as soon as possible and that legal assistance would be granted to persons belonging to Aboriginal and Hill Tribes in these two districts, in accordance with the rules printed in the Appendix to this Resolution.

2 The charge invikeduring the current financial year of 1941-42 should be met from the provision of Rs. 5,000 made for the purpose under 227 - Administration of Justice-B-Law Officers -B 3 Mofusil Establishment-B-3 (3) Allowances, Honoraria, Etc."

By order of the Governor of Bombay,
Sd/-
P.N. KOOS,
Secretary to Government.

To.....

To.

All the Department of the Secretariat(except Separate Department.

The Commissioner, Northern Division,
The Commissioner, Central Division,
The Collector of West Khandesh,
The Collector of Broach and Panch Mahals
The District and Sessions Judge, West Khandesh,
The District and Sessions Judge, Broach and Panch Mahals,
The Registrar, High Court, Appellate Side, Bombay(By letter),
The Director of Information,
The Accountant General, Bombay,
The Backward Class Officer, Bombay Province, Poona,
The Deputy Conservator of Forests, West Khandesh, Dhulia,
The Deputy Conservator of Forests and Divisional Forest Officer, West Khandesh, Dhulia,
The Deputy Conservator of Forests and Divisional Forest Officer, Broach and Panch Mahals, Godhra,
The Deputy Superintendent of Police, West Khandesh, Dhulia,
The Superintendent of Police, Broach and Panch Mahals, Godhra,
The superintendent of Police, Broach and Panch Mahals, Broach,
The Bhil Specail Officer, West Khandesh.

No. of 1941

M.R.D.
28-7-56
C.4

Copy forwafed for information and guidance to

Accompaniment to Government Resolution, Legal Department ,No.3640, dated the 24th April 1941.

APPENDIX.

RULES FOR THE GRANT OF LEGAL ASSISTANCE TO MEMBERS OF THE ABRIGINAL OR HILL TRIBES.

1. If any civil proceedings or proceedings under the Mamlatdars' Courts Act, 1906, are instituted against a person belonging to an Aboriginal or Hill Tribe, or if such person is a party to any proceedings before any public officer in which a pleader appears on behalf of the other party, the Court or the officer before whom such proceedings are pending shall, subject to the provisions of rule 3, appoint a pleader to appear for such person in such proceedings.

2. (1)If in any criminal proceedings instituted against a person belonging to an Aboriginal or Hill Tribe such person believes that the proceedings are really disguised civil proceedings or are intended to intimidate him, or if such person desires to institute any civil proceedings or proceedings under the Mamlatdars' Courts Act, 1906, he may make an application for the grant of legal assistance, if he resides in any place in which the Bhil Special Officer has jurisdiction, to the Bhil Special Officer, or if he resides elsewhere, to the Mamlatdar of the taluka in which he resides. He shall state in such application all the facts of the case. The officer to whom an application is made under this rule shall consider it and pass an order granting or refusing legal assistance. He shall record his reasons for such order. If he passes an order that legal assistance should be given, he shall appoint a pleader to appear on behalf of the applicant or to give the applicant legal advice and if necessary institute proceedings on his behalf.

(2) A copy of every order passed under sub-rule(1)of this rule by a Mamlatdar shall be sent to the Bhil Special Officer.

3.....

3. It shall not ordinarily be necessary to make ,before granting assistance to any person under rule 1 or 2, any enquiry as regards his financial condition, but if the court or the officer concerned receives information or otherwise has reason to beleive that such persons financial conditions is so good as not to justify the grant of free legal assistance under these Rules, such court or officer shall enquire into the matter in such manner as it or he may deem fit and if after making the enquiry such court or officer is satisfied that such person has sufficiently large income at his disposal as to be able to bear conveniently the costs of engaging a pleader or instituting legal proceedings himself, it or he shall, notwithstanding anything contained in rules 1 and 2 refuse to grant legal assistance to him under these Rules.

4. In all cases in which legal assistance is granted to any person under these rules and agreement in writing shall be taken from such person that any sum recovered by such person from the otherx party as compensation, damages or costs shall be paid by him to Government in reimbursement of the costs incurred by it and only the balance if any, remaining thereafter shall be retained by such person.

5. Save for special reasons which should be reported to the Remembrancer of Legal Affairs, the pleader appointed under these Rules should be Government Pleader or in a taluka town, the Subordinate Government Pleader:

Provided that if a District Government Pleader is appointed he may entrust the case to one of his Assistants.

6. The fees to be paid to pleaders appointed under these Rules shall not, save with the sanction of Government, exceed the fees admissible to Government Pleaders under the Law Officers(Conditions of Service)Rules, 1939, In any case not provided for in those rules, such fees shall be paid as the Legal Remembrancer may consider reasonable and proper.

7. In cases in which legal assistance is granted under these Rules, all the expenses incurred in the proceedings including cost of Court fees, if any, shall, subject to the provisions of rule 8, be borne by Government.

8. (1) Every bill of fees and other expenses incurred should be submitted by the pleader appointed in the case for the countersignature of the Remembrancer of Legal Affairs through the officer of Court appointing him.

(2) The order authorizing such pleader to appear in the case together with a certificate from the officer or Court concerned as to the accuracy of the dates for which the fees are claimed should be sent along with the bill. In civil cases, a copy of the Court's decree should also be sent. The Remembrancer of Legal Affairs may call for such other information or documents as he may consider necessary in order to enable him to determine whether the amount claimed in the bill is correct and proper.

(3) If the Legal Remembrancer is satisifed that the bill is in order, he shall countersign it and return it to the Pleader concerned who shall then present it at the treasury for payment.

(4) The amount of every such bill shall be debited to the provision made for the purpose under "27 Administration of Justice-B-Law Officer-B 3- Mofussil Establishment-B.3(3) Allowances, Honoraria, etc." and controlled by the Remembrancer of Legal Affairs.

Legal Assistance.
Grant of- to members
of the Aboriginal and Hill
Tribes.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 3149

Bombay Castle, 11th April 1942.

Read Government Resolution No.3640, dated 24th April 1941.

RESOLUTION- Government is pleased to direct that the Rules for the grant of legal assistance to members of the Aboriginal and Hill Tribes printed as an accompaniment to Government Resolution No.3640, dated 24th April 1941, should be amended as follows:-

The existing rule 4 of the said Rules shall be renumbered as sub-rule(1)of rule 4 and the following shall be added as sub-rule(2)of that rule:-

"(2) The pleader appointed to appear for such person should pay the stamp duty leviable in respect of the agreement and include the amout thereof in the bill of fees and other expenses submitted by him under- sub-rule (1)of rule 8."

By order of the Governor of Bombay,

P.N.MODE,
Secretary to Government.

To.
The Departments of the Secretariat (Except the Separate Department),
The Commissioner, Northern Division,
The Commissioner, Central Division,
The Collector of West Khandesh,
The Collector of Broach and Panch Mahals,
The Collector of East Khandesh,
The Collector of Nasik
The Collectorm of Thana,
The District and Sessions Judge, West Khandesh,
The District and Sessions Judge, Broach and Panch Mahals,
The District and Session Judge, East Khandesh,
The District and Sessions Judge, Nasik,
The District and Session Judge, Thana,
The Registrar, High Court, Appellate Side, Bombay(by letter)
The Director of Information,
The Accountant General, Bombay,
The Backward Class Officer, Bombay Province, Poona,

The Deputy Conservator of Forests, West Khandesh, Dhulia,
The Deputy Conservator of Forests and Divisional Forest Officer, West Khandesh, Dhulia,
The Deputy Conservator of Forests and Divisional Forest Officer, Broach and PanchMahals, Godhra,
The Deputy Conservator of Forests and Divisional Forest Officer, East Khandesh Jalgaon,
The Deputy Conservator of Forests and Divisional Forest Officer, Nasik,
The Deputy Conservator of Forests and Divisional Forests Officer, Thana,
The District Superintendent of Police, West Khandesh Dhulia,
The District Superintendent of Police, Broach and Panch Mahals, Broach,
The District Superintendent of Police, Broach and Panch Mahals, Godhra,
The District Superintendent of Police, East Khandesh, Jalgaon,
The District Superintendent of Police, Nasik,
The District Superintendent of Police, Thana,
The Bhil special Officer, West Khandesh.

I.E.D.
1-7-56
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No. M.B.C. 2553-J,
Education Department,
Bombay Castle, 28th February 1953.

From

The Secretary to the Government of Bombay,
Education Department.

To.

The Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.

Subject:- Article 275 of the Constitution of India.
Uplift of the Scheduled Tribes and the
Scheduled Areas -
Grants-in-aid to State Government for the -

Sir,

I am directed to refer to the Government of India Letter Ministry of Home Affairs, No.74/98/52-Public, dated the 20th October 1952, on the subject mentioned above, and to forward herewith schemes which the Bombay Government proposes to implement during the year 1953-54 for the welfare of the Scheduled Tribes and the Scheduled Areas in this State and which are eligible for Central assistance under Art 275 of the Constitution of India. Statement 'A' shows the abstract of the schemes and Statement 'B' shows the detailed provisions on account of the various shhems included in the abstract. Detailed descriptions of the Schemes are also appended. Eleven copies of the abstract and of the Schemes are sent herewith as desired.

2. In the from accompanying the Government of India letter under reference, infromation was called for regarding the amounts provided for in the State budgets for the schemes, the amouts spents on these schemes and the Government of India grant received on account of these schemes for the years 1951-52 and 1952-53. As the Government of India is already aware, it was till recently the policy of the Bombay Government not to differentiate between the various sections of the Backward Class Communities, viz., the Scheduled Castes, the scheduled Tribes and the other Backward Classes, for purposes of various concessions sanctibned by Government for these communities. Consequently no separate accounts of the provisions provided for these communities or of the amounts spent on the welfare of these communities were kept till recently. It is, therefore, not possible to indicate with any degree of accuracy the amounts provided for the various schemes during the year 1951-52 and 1952-53. Separate accounts are being maintained from the current financial year only and such separate figures will be available from next year onwards.

P.T.O.

whatever information is available is given in the accompanying statements 'A' and 'B'.

3. During the current year, the Government of India has sanctioned a grant of Rs.8½ lakhs for the welfare measures undertaken by the Bombay Government for the benefit of the Scheduled Tribes and the Scheduled Areas- Rs.7½ lakhs under Government of India letter No.74/42/51- Public, dated the 17th July 1952 and Rs.½ Lakh under Government of India letter, No.74/33/52-Public dated the 7th January 1953. The amount of Government of India grant shown in the abstract is Rs,7,02,710. The difference is due to the fact that a number of schemes have been discontinued on the advice of the Commissioner for Scheduled Castes and Scheduled Tribes. Moreover, the Government of India's sanction to the third batch of schemes sent under this letter 1,2552-I, dated the 26th August 1952 was received on 7th January 1953. It was not, therefore, possible to implement these schemes during the current year as provision for these schemes has not been made in the next year's budget, it will also not be possible to implement these schemes during the course of the next year. This accounts for the difference between the Government of India grant of Rs. 8½ lakhs sanctioned during the current year and the amount of grant shown in the abstract.

4. Some of the schemes mentioned in the category of new schemes are already being implemented by the Bombay Government. They have been included in this category because they were not reported to the Government of India for grant during the course of the current year. Grant is being asked for on account of these schemes for the first time.

5. The schemes mentioned in the accompaniments to this letter are being undertaken by the Bombay Government in the hope that at least 50% of the grant will be paid thereon by the Central Government. In the present financial stringency, the Bombay Government finds it extremely difficult to continue the existing measures. In the case of schemes for the welfare of the Backward Classes(including the scheduled Tribes) the difficulty during the next year will be all the more acute. The special Development Fund from which these schemes were hiterto financed will be exhausted by the end of the current year. The Government of Bombay was, therefore confronted with the problem of either discontinuing these schemes or financing them from the ordinary revenues. It is only by pruning down other essential measures and with the assistance that will be forthcoming from the Government of India that the Bombay Government reposes to finance these measures during the year 1953-54. If the Central assistance is not forthcoming as expected t is Government will be constrained to reduce the provisions for these schemes and the cause of the Scheduled Tribes and the Scheduled Areas will consequently suffer. The Government of Bombay, therefore, hopes and trusts that the Central Government will pay a grant of Rs 37,94,824/- as shown in the abstract.

Yours faithfully
Sd/
(A.D. Dias)
for Secretary to Government of Bombay,
Education Department.

Copy to ---

1. The Commissioner for Scheduled Castes and Scheduled Tribes, Ministry of Home Affairs New Delhi,
2. The Director of Education,
3. The Agriculture and Forests The Director of Backward Class Welfare,
4. The Agriculture and Forests, Department,
5. The Development Department,
6. The Local Self Government and Public Health Department,
7. The Legal Department.

M.R.D.
28-7-56
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STATEMENT A.

Abstract of schemes for the uplift of the Scheduled Tribes and Scheduled Areas that will be implemented in the Bombay State during 19-53-54.

Sr. No.	Name of the Scheme.	Provision made in the State Budget for 1952-53.	Actual expenditure incurred on the schemes during 1952-53	Govt. of India grant sanctioned for 1952-53-	Amounts proposed to be spent from the State funds during 1953-54.	Amount of grant in aid asked for in the schemes for the year 1953-54.
1	2.	3.	4.	5.	6.	7.

STATEMENT 'B'.

Statement showing the cost of Schemes that will be implemented in the Bombay State during 1953-54 for the welfare of the Scheduled tribes and Scheduled Areas.

I Educational Development Schemes.

Schmes already sanctioned by the Government of India.

Sr. No.	Brief description of the scheme.	Estimated cost during 1952-53.	Actual Cost during 1952-53.	Government of India grant during 1952-53.	Estimated cost during 1953-54.	Expected assistance from the Government of India during 1953-54.
1.	2.	3.	4.	5.	6.	7.

Schemes for Economic Development

Sanctioned schemes.

Sri No.	Description of the Schemes	Provision made in the budget for 1952-53.	Actual Expenditure in1952-53	Govt. of India grant in 1952-53.	Provision made in 1953-54.	Grant expected from the Govt. of India in 1953-54.
1.	2.	3.	4.	5.	6.	7.

Agricultural improvement Schemes.

A- Schemes already sanctioned by the Government of India.

Sr. No.	Description of the Scheme	Estimated cost during 1952-53.	Actual Cost during 1952-53.	Govt. of India grant during 1952-53.	Provision made for 1952-53.	Central assistance expected for 1953-54.

Medical and Public Health Schemes

Sanctioned Schemes.

Sr. No.	Description of the Scheme	Provision made in the budget for 1952-53.	Actual expenditure in 1952-53.	Govt. of India grant in 1952-53	Provisions made in 1953-54.	Grant expected from Central Govt. in 1953-54.

New Schemes.

Sr No.	Brief Description	Provison made in 1952-53	Actual expenditure incurred in 1952-53.	Government of India grant in 1952-53.	Provision made in 1953-54	Grant expected the Central Govt in 1953-54.

Miscellaneous Schemes.

A- Schemes already sanctioned by the Government of India.

Sr. No.	Brief description of the scheme	Estimated cost during 1952-53.	Actual cost during 1952-53.	Government of India grant during 1952-53.	Provision made in the budget for 1953-54.	Expected Central assistance during 1953-54
1.	2.	3.	4.	5.	6.	7.
		Rs.	Rs.	Rs.	Rs.	Rs.
52.	Grant of legal Assistance to members of the Scheduled Tribes,	2,000	1,200	1,060	2,000	1,060
	-------B- New Schemes--------					
59.	Village approach roads.	--	--	--	1,11,429	85,718
				Grand Total:	6,27,036	3,96,516
Grant total of other schemes:		88,500	76,910	42,968	7,32,536	3,96,734

M.R.D.
30-7-56
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Legal Department
R.I.No;5427/4-3-53

Submitted for information.

2. Only the scheme of legal assistance to the members of aboriginal and Hill Tribes pertaining to L.D. has been recommended to the Govt. of India for grant-in-aid under Article 275 of the constitution for the year 1953-54, and as such it is included in statement B accompanying H.D. letter No.M.B.C.- 2553 dt. 28-2-53 addressed to the Govtk. of India, Ministry of Home Affairs

Sd/-
4-3

Supdt Sd/-
5-3-53

Sd/-
5-3

M.R.D.
28-2-53

S.A.S. Sd/-
5/3

Secy(for information)

From:-

S.N.Shintre B.A.LL.B.
ex- Sube Government,
Pleader Nandurbar.

To.

The Remembrancer of Legal-
Affairs Bombay Castle.

Sir,

I am submitting my seven bills of pleader 's fees for your Honour's counter- signatures. I conducted these cases when I was sub-Government pleader for Nandurbar Court.

Dt.25-5-53

Sd/- S.N.Shintre.
ex-Sub-Government,
Pleader Nandurbar.

M.R.D.
30-7-56
C.4

No.12820/C
Office of the
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No.1). 12th June 1953.

MEMORANDUM.

The bills with accompaniments noted in the margin are herewith returned to the Sub-Government Pleader, Nandurbar, duly countersigned-

Bills dated the 25th May 1953 for	
1)	145-0-0
2)	30-9-0
3)	29-8-0
4)	29-1-0

As regards bill for Rs.32-15-0; in C.S. No.354/50, Rs.101-8-0 in C.S. No. 195/51 and Rs.72-12-0 in C.S. No.360/51 he is requested to furnish copies of memo. of costs drawn up by the court in support of the claims made in those bills.

Sd/- 12-6-53
Senior Superintendent,
Officer of the Remembrancer of
Legal Affairs.

To

The Sub-Government, Pleader,
Nandurabar,
Dist- West Khandesh.

M.R.D.
30-7-56
C.4

To

The Remembrancer of Legal Affairs Bombay
No. 1.

Respected Sir,

In compliance to your office memo No.12820/C dated 12th June 1953 I beg to submit that the C.S. No. 354/50 was dismissed for default of plaintiff, so the Court did not draw up the memo of cost. The Plaintiff claimed Rs.500 as damages, and there was no order as to cost. I submit the copy of daily proceeding with this.

2. The C.S. No. 195/51 was compromised as plaintiff and defendents, were brothers and Bhils by caste hence there was no Memo of Cost, but I am submiting the court summons and copy of the plaint served on the defendents.

3. CS.No. 380/51 was also compromised as parties were brothers, hence there was no memo of cost yet I submit court summons served on the defendent. The claim for the purpose of pleder's fees has been mentioned.

I have calculated the amount of pleader's fees on the claim- amount mentioned by the plaintiff for the purpose of pleader's fees and court jurisdiction, I hope with these documents your honour be kind to send these bills countersigned. to my address as S.N. shintre B.A.LL.B. ex-sub-Governmentpleader Nandurbar Court.

By the by Inmay request for information whether these bills require authorization of Accountant-General Bombay as the District Treasury officer withheld the passing of payment order to ~~Govt.~~ Treasury officer Nandurbar, hence I could not encash the Bills No,1,2,3, and 4 countersigned and passed by your Honour. I request that this information be supplied to me as early as possible. Excuse and oblige.

M.R.D.
20.7.56
C.4

Sd/-S.N.Shintre.
Pleader, Nandurbar,

Below Bills dated the 25th May 1953 for Rs.32-/15 Rs.101-8-0 Rs.82-12-0 received from the Sub-Government Pleader, Nandurbar (West Khandesh)C.S. No.354/50,C.S.No195/51 and C.S. No.380/51)

No. 15169/C
Office of the
Remembrancer of Legal Affairs,
Bombay Castle(Bombay No.1),16th July 1953.

Returned.

In support of items for fees and law charges, the sub-Government Pleader, Nandurbar, is instructed to move the Court to draw up the Memo. of Costs in the above suits and to forward the same along the with the bills.

Sd/-
for Remembrancer of Legal Affairs.

M.P.D.
0-7-56
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